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EXAMINER

WASSUM, LUKE S

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2177

DATE MAILED: 07/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/448,164

Applicant(s)

GERMSCHIED ET AL.

Examiner

Luke S. Wassum

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 April 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Receipt of applicant's Amendment, filed 25 April 2002, is acknowledged.
2. As a result of the amendment, claims 1-3, 6-8, 11-13, 16 and 18 have been amended. Claims 1-20 are now presented for examination.

Specification

3. As a result of the amendments to the specification, the examiner withdraws the pending objections to the specification.

Drawings

4. Receipt of new or corrected drawings, filed 25 April 2002, is acknowledged. These drawings are approved by the examiner.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was

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not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b).

Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1-4, 6-8, 11-14 and 16-18 are rejected under 35 U.S.C. 102(e) as being anticipated by **Hong et al.** (U.S. Patent 6,266,673).

7. Regarding claim 1, **Hong et al.** teaches an improvement in a data processing environment having a user responsively coupled via a publicly accessible digital data communications network to a database management system having at least one database, comprising a non-SQL service request generated by said user terminal which creates a non-relational empty data set within the database management system (see col. 6, lines 10-21; see also col. 6, line 65 through col. 8, line 11).

8. Regarding claim 6, **Hong et al.** teaches an apparatus comprising:

- a) a user terminal (see col. 2, line 60 through col. 3, line 6; see also col. 5, lines 25-64);
- b) a database management system having access to a database responsively coupled to said user terminal via a publicly accessible digital data communication network (see col. 2, line 60 through col. 3, line 6; see also col. 5, lines 25-64); and
- c) a service request generated by said user terminal which causes said database management system to create a non-relational empty set (see col. 6, lines 10-21; see also col. 6, line 65 through col. 8, line 11).

9. Regarding claim 11, **Hong et al.** teaches a method of utilizing a user terminal to access a remote database management system having a database via a publicly accessible digital data communication network comprising:

- a) transmitting a service request from said user terminal (see col. 5, lines 25-64);
- b) receiving said service request by said remote database management system (see col. 6, lines 10-21); and
- c) creating a non-relational empty data set by said database management system in response to receipt of said service request (see col. 6, lines 10-21; see also col. 6, line 65 through col. 8, line 11).

10. Regarding claim 16, **Hong et al.** teaches an apparatus comprising:

- a) means for permitting a user to interact using a non-SQL service request with a database responsively coupled via a publicly accessible digital data communication network (see col. 5, lines 25-64);
- b) means responsively coupled to said permitting means via said publicly accessible digital data communication network for offering data processing services involving access to said database in response to said non-SQL service request (see col. 6, lines 10-21); and
- c) means for creating an empty data set within said database management system (see col. 6, lines 10-21; see also col. 6, line 65 through col. 8, line 11).

11. Regarding claims 2, 7 and 13, **Hong et al.** additionally teaches an improvement, method and apparatus wherein said database management system further comprises a repository in which said non-relational empty data set is created (see Figure 2; see also col. 6, lines 22-64).

12. Regarding claims 3, 8 and 12, **Hong et al.** additionally teaches an improvement, method and apparatus further comprising a parameter set associated with said non-SQL service request whereby said non-relational empty set is created in accordance with said parameter set (see parameter sets at col. 7, lines 7-12 and 38-40).

13. Regarding claims 4, 14 and 17, **Hong et al.** additionally teaches an improvement, apparatus and method wherein said publicly accessible digital data communication network comprises the Internet (see col. 5, lines 25-64).

14. Regarding claim 18, **Hong et al.** additionally teaches an apparatus wherein said permitting means further comprises means for generating and transmitting said non-SQL service request requesting said database management system to execute said creating step (see col. 6, lines 10-43; see also col. 6, line 65 through col. 8, line 11).

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was

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commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

17. Claims 5, 9, 10, 15 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hong et al.** (U.S. Patent 6,266,673) in view of **Admitted Prior Art**.

18. Regarding claims 5, 9, 15 and 19, **Hong et al.** teaches an improvement to a data processing environment, method and apparatus substantially as claimed.

Hong et al. does not teach the improvement, method and apparatus wherein said database management system is MAPPER.

However, it is taught as **Admitted Prior Art** that one of the most successful database management systems is MAPPER (see page 4, lines 7-9).

It would have been obvious to one of ordinary skill in the art at the time of the invention to use MAPPER as the database management system, since MAPPER is one of the most successful database management systems, and so would be likely to satisfy a wide variety of user requirements.

19. Regarding claim 10, **Hong et al.** additionally teaches an improvement wherein said publicly accessible digital data communication network comprises the World Wide Web (see col. 5, lines 25-64).

20. Regarding claim 20, **Hong et al.** additionally teaches an apparatus wherein said permitting means further comprises an industry standard personal computer (see col. 4, lines 7-38; see also col. 5, lines 25-64).

Response to Arguments

21. In the Remarks, the applicant argues that the **Hong** reference fails to teach a user terminal coupled to a database management system via a publicly accessible digital data communication network.

22. In response to this argument, the examiner respectfully maintains that the reference discloses such a limitation at col. 5, lines 25-64, and in Figure 1. Furthermore, in the Background of the Invention, the reference teaches that the problems addressed by the invention are aggravated in a distributed environment; see col. 1, line 60 through col. 3, line 6.

23. In response to the argument that the **Hong** reference fails to teach a service request generated by said user terminal which creates an empty data set within the database management system, the examiner respectfully points out that at col. 6, line 66 through col. 8, line 11, and particularly at col. 7, line 49 through col. 8, line 3, **Hong** teaches the creation of tables within the database management system.

24. The applicant has amended the claims to specify that the service request is non-SQL, and that the empty data set is non-relational. In response to these amendments, the examiner points out that (1) **Hong** teaches that requests issued to the database management system can be SQL, or alternately may be in the form of functions invoked by the software, such as software written in C or PRO*C (see col. 6, lines 34-43), and that (2) **Hong** teaches that the term table is broadly defined to be a data structure containing one or more categories of data, and includes, but is not limited to, object tables and relational tables (see col. 6, lines 44-52).

Conclusion

25. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luke S. Wassum whose telephone number is 703-305-5706. The examiner can normally be reached on Monday-Friday 8:30-5:30, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on 703-305-9790. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.


In addition, INFORMAL or DRAFT communications may be faxed directly to the examiner at 703-746-5658.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



Luke S. Wassum
Art Unit 2177

lsw
July 17, 2002



JEAN R. HOMERE
PRIMARY EXAMINER